

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

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RAMONA ROSARIO,	)
Plaintiff,	)
v.	)
LISA BARRETT,	)
Defendants.	)

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U.S. DISTRICT COURT  
DISTRICT OF MASS.  
**05 - 30019 - MAP**  
C.A. NO.  
BBO NO. 552113 (Pino)

**FILING FEE PAID:**  
RECEIPT # 305830  
AMOUNT \$ 150.00  
BY DPTY CLK MGL  
DATE 1/24/05

**DEFENDANT'S NOTICE OF REMOVAL**

The Defendant in the above-captioned action, Lisa Barrett, requests that this action be removed from Massachusetts state court to the United States District Court for the District of Massachusetts, Western Division, Springfield, MA.

As grounds for this Notice of Removal, the Defendant, Lisa Barrett, states the following:

1. On or about January 7, 2005, the Plaintiff commenced the present action against the Defendant in Massachusetts Superior Court, County of Hampden, C.A. No. 05-00025-B, and is now pending therein.
2. On or about January 19, 2005, the Defendant was served with a copy of a Summons and Complaint.
3. No further proceedings have been had in this action.
4. The Plaintiff, Ramona Rosario, was and presently is a citizen and resident of Springfield, County of Hampden, Commonwealth of Massachusetts.

5. The Defendant, Lisa Barrett, was and presently is a resident of Albany, State of New York.

6. The Plaintiff alleges in her Statement of Damages that the amount in controversy, exclusive of interest and costs, is in excess of Eighty Five Thousand Dollars (\$85,000.00).

7. A copy of the Summons and Complaint are attached hereto.

8. This Notice is filed with the Court within thirty (30) days after service on the Defendant of the Summons and Complaint.

9. As a result of the foregoing, this Court possesses original jurisdiction of the present action pursuant to 28 USC § 1332 and may, therefore, be removed to this Court pursuant to 28 USC § 1441(b).

WHEREFORE, the Defendant, Lisa Barrett, requests that the Court remove the present action from Massachusetts State Court to the United States District Court for the District of Massachusetts, Western Division, Springfield, MA.

LISA BARRETT  
By her attorney,

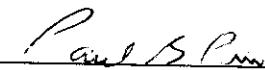
*Paul G. Pino*  
Paul G. Pino  
BBO# 552113  
LAW OFFICE OF PAUL G. PINO  
1350 Division Road, Suite 104  
West Warwick, RI 02893  
(401) 827-1250

Dated: January 21, 2005

CERTIFICATE OF SERVICE

I, Paul G. Pino, Esquire, hereby certify that on the 21<sup>st</sup> day of January, 2005, I caused to be served the foregoing document by first class mail, postage prepaid to the following counsel of record:

Barry E. O'Connor, Esquire  
293 Bridge Street, Suite 326  
Springfield, MA 01103

  
\_\_\_\_\_  
Paul G. Pino

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff Hampden, MA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Barry E. O'Connor, Esq.  
293 Bridge St., Ste. 326, Springfield, MA 01103  
(413)746-0060

**DEFENDANTS**

**30019-MA**  
County of Residence of First Listed Defendant Albany, NY  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF	
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenges
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 12 USC 3410
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS				
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party	
			26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstituted or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Jurisdiction is based on diversity of citizenship pursuant to 28 U.S.C. Sec. 1332

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23      DEMAND \$      CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Paul S. Caw*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Ramona Rosario v. Lisa Barrett

1. Title of case (name of first party on each side only) \_\_\_\_\_

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

**05 - 30019 - MAP**

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO 

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO 

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO 

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO 7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES  NO A. If yes, in which division do all of the non-governmental parties reside?Eastern Division  Central Division  Western Division 

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division 

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO 

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Paul G. PinoADDRESS 1350 Division Road, Suite 104, West Warwick, RI 02893TELEPHONE NO. (401) 827-1250

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: Hampden	Docket Number:												
PLAINTIFF(S) Ramona Rosario	DEFENDANT(S) Lisa Barrett													
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Barry O'Connor, 293 Bridge St. Suite 326 Board of Bar Overseers number 548570 Springfield, MA 01103	ATTORNEY (if known)													
<p>Place an X in one box only.</p> <p><input checked="" type="checkbox"/> 1. F01 Original Complaint      <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &amp; 104 (After trial) (X)</p> <p><input checked="" type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial)      <input type="checkbox"/> 5. F05 Reactivated after rescript/relief from judgment/Order (Mass R.Civ.P. 60) (X)</p> <p><input checked="" type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s 102C (X)      <input type="checkbox"/> 6. E10 Summary Process Appeal (X)</p>														
<p>TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)</p> <p>IDE NO.      TYPE OF ACTION (specify)      TRACK      IS THIS A JURY CASE?</p> <p>03. Motor Vehicle Negligence      F      ( ) Yes      ( - ) No</p>														
<p>The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine damages. For this form, disregard double or treble damage claims; indicate single damages only.</p>														
<p><b>TORT CLAIMS</b> (Attach additional sheets as necessary)</p> <p>Documented medical expenses to date:</p> <table> <tr> <td>1. Total hospital expenses</td> <td>\$ 257.23</td> </tr> <tr> <td>2. Total Doctor expenses</td> <td>\$ 1081.00</td> </tr> <tr> <td>3. Total chiropractic expenses</td> <td>\$ 2901.00</td> </tr> <tr> <td>4. Total physical therapy expenses</td> <td>\$ 2139.00</td> </tr> <tr> <td>5. Total other expenses (describe) Ambulance</td> <td>\$ 437.00</td> </tr> <tr> <td colspan="2">Subtotal \$ 9129.23</td> </tr> </table> <p>Documented lost wages and compensation to date</p> <p>Documented property damages to date</p> <p>Reasonably anticipated future medical and hospital expenses</p> <p>Reasonably anticipated lost wages</p> <p>Other documented items of damages (describe)</p> <p>Brief description of plaintiff's injury, including nature and extent of injury (describe)</p> <p>Plaintiff was injured in an automobile accident with defendant. She suffered extensive injuries to her legs and left knee. She is unable to walk for a period of time and has remained unable to work.</p> <p><b>CONTRACT CLAIMS</b> (Attach additional sheets as necessary)</p> <p>Provide a detailed description of claim(s).</p> <p><b>TOTAL</b></p> <p>SE IDENTIFY BY CASE NUMBER, NAME AND COUNTY ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT</p> <p>I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Rules on Dispute Resolution (SJC Rule 1.18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.</p> <p>Signature of Attorney of Record</p> <p>DATE 1/16/05</p> <p>© 2003</p>			1. Total hospital expenses	\$ 257.23	2. Total Doctor expenses	\$ 1081.00	3. Total chiropractic expenses	\$ 2901.00	4. Total physical therapy expenses	\$ 2139.00	5. Total other expenses (describe) Ambulance	\$ 437.00	Subtotal \$ 9129.23	
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5. Total other expenses (describe) Ambulance	\$ 437.00													
Subtotal \$ 9129.23														

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER

# COMMONWEALTH OF MASSACHUSETTS

## HAMPDEN, ss.

**SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
CIVIL ACTION  
NO. 05 25**

Ramona Rosario

, PLAINTIFF(S)  
Lisa Barrett - 124 Wilkins Ave  
v. Albany NY 12205

## SUMMONS

**DEFENDANT(S)**

To the above named defendant:

You are hereby summoned and required to serve upon  
Barry E. O'Connor, Esq. 293 Bridge Street, plaintiff's attorney, whose address is  
Suite 326, Springfield, MA 01103 an answer to the complaint which is herewith served upon  
you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do  
so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before  
service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, S. [REDACTED] Esq., at Springfield the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord two thousand four.

Frances G. Krieger

**Clerk / Magistrate**

**NOTES:**

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

## PROOF OF SERVICE OF PROCESS

I hereby certify and return that on \_\_\_\_\_, 2004, I served a copy of the within summons, together with a copy of the original complaint, in this action, upon the within named defendant, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5)):

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Dated: \_\_\_\_\_, 2004

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS  
BOX ON THE ORIGINAL AND ON THE COPY SERVED ON DEFENDANT.

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COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT DEPARTMENT  
SPRINGFIELD DIVISION  
CIVIL ACTION NO:

RAMONA ROSARIO

Plaintiff

v.

LISA BARRETT

Defendant

)  
COMPLAINT  
)  
)  
)  
)  
)  
)

PARTIES

1. The plaintiff, Ramona Rosario, is an individual who at all relevant time resided in Springfield, Hampden County, Commonwealth of Massachusetts.
2. The defendant, Lisa Barrett, is an individual who at all relevant resided in the city of Albany, New York.

VENUE

3. Venue is proper under G.L. 223 § 1 as this honorable court sits in the county where plaintiff resides and where the accident that is the basis for this action occurred G.L. c. 223 § 7. The plaintiff also submits a civil action cover sheet stating that her damages exceed \$25,000. Super.Ct.R. 29(5).

COUNT I

(Negligence)

4. On or about February 1, 2002, the plaintiff, Ramona Rosario, was operating a motor vehicle traveling west on Alden Street in Springfield, Hampden County, Commonwealth of Massachusetts.
5. At the same time and place, the defendant, Lisa Barrett, was operating a motor vehicle on Naismith Circle in Springfield, Hampden County, Commonwealth of Massachusetts,

6. The defendant, Lisa Barrett, in the course of operating her vehicle came to a stop sign at the intersection of Alden Street and Naismith Circle.
7. The defendant, Lisa Barrett, failing to yield the right of way to the vehicle driven by the plaintiff, Ramona Rosario, negligently operated her vehicle as to cause a collision between the plaintiff's vehicle and the defendant's vehicle.
8. The defendant, Lisa Barrett, was issued a Massachusetts Uniform Citation for failing to yield the right of way.
9. As a result of the negligence of the defendant, Lisa Barrett, the plaintiff, Ramona Rosario, sustained severe physical injury, injury of the mind, incurred expenses for medical care and attendance and experienced a complete loss of earning capacity because of the accident.

WHEREFORE, the plaintiff, Ramona Rosario demands judgment against the defendant, Lisa Barrett, on Count I, plus interest and costs of this action.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS.

PLAINTIFF,  
By her attorney,

Dated: January 6, 2005

  
Barry E O'Connor, Esq  
293 Bridge Street, Suite 326  
Springfield, MA 01103  
(413) 746-0060  
BBO# 548570

CERTIFICATE OF SERVICE

I do hereby certify that on January 14, 2005, I served via Alexander Poole & Co., Albany, NY copies of the attached papers to the Defendant in the above-entitled action:

Lisa Barrett  
124 Wilkins Ave  
Albany, NY 12205

Dated: January 14, 2005



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BARRY E. O'CONNOR, ESQ.

## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT DEPARTMENT  
SPRINGFIELD DIVISION  
CIVIL ACTION NO. 05 25

RAMONA ROSARIO	)	)	FIRST SET OF INTERROGATORIES TO BE ANSWERED UNDER OATH BY DEFENDANT LISA BARRETT
Plaintiff	)		
	)		
v.	)		
LISA BARRETT	)	)	)
Defendant	)		

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Now comes the plaintiff, RAMONA ROSARIO, and hereby propounds the following Interrogatories to be answered, under oath, by the defendant, LISA BARRETT

**INSTRUCTIONS & DEFINITIONS**

You are required to answer the following Interrogatories fully, separately, and under oath, within forty-five (45) days after service hereof, pursuant to Mass.R.Civ.P. 33. In answering these Interrogatories, you are required to furnish all information that is available to you, including that which can be learned through your reasonable inquiry. This also includes non privileged information in the possession of your attorney(s), consultants, experts, investigators, agents, or other persons acting on your behalf.

If any of these Interrogatories cannot be answered in full, please answer to the extent possible and specify the reason for your inability to answer the remainder. The Interrogatories are continuing, and answers thereto must be supplemented by you to the maximum extent required by the Massachusetts General Laws and Rules of Civil Procedure.

**Any use in this document of the term "defendant" refers to the defendant, Lisa Barrett**

**Any use in this document of the terms "the accident" or "the collision" refers to the motor vehicle accident of February 1, 2002 involving the plaintiff, Ramona Rosario and the defendant, Lisa Barrett, which occurred in Springfield, Massachusetts, all as alleged in the plaintiff's Complaint.**

**INTERROGATORIES**

1. Please state your full name, social security number, date of birth, current residence address, current business address, current position or title, and the number of years in that

position, as well as your full name, residence address, business address and position or title on or about February 1, 2002.

2. Please state whether you were the owner and/or operator of a 2000 Honda Civic with New York registration number CY913E on February 1, 2002.
3. If you were not the owner of the vehicle referred to in the preceding Interrogatory, please state:
  - a) the name and address of the owner of said vehicle on February 1, 2002;
  - b) the relationship between yourself and the owner of said vehicle on February 1, 2002 ;
  - c) whether you had operated said vehicle on other occasions prior to February 1, 2002 , giving the approximate number of times you had so operated the vehicle in question; and
  - d) whether you were operating the vehicle in question on February 1, 2002 with the authorization of the owner of that vehicle.
4. Please state the date, time and place (giving street names and other geographical locations) the accident occurred.
5. Please state where you were coming from, how long you had been at that location, and where you were going at the time the alleged accident occurred.
6. If there were any persons in the vehicle which you were operating, please state the number of such persons and their names and addresses.
7. Please state in full and complete detail how the accident occurred, stating what you saw, what you heard, what you did, and what happened in the order in which the events took place.
8. Please state the names and residential and business addresses of any individual who witnessed the alleged accident and/or the events leading to the accident. Plaintiff requests that you update this list should it change prior to trial, by furnishing a supplemental list to plaintiff's attorney.
9. Please state the speed of the vehicle operated by you:
  - a) at approximately 50 feet from the point of collision;
  - b) at approximately 25 feet from the point of collision;
  - c) at the exact point of collision.
10. Please describe in the most complete detail possible everything you did in an attempt to avoid the accident, including any warning or signal given by you just prior to the collision.

11. What were the points of contact between the vehicle you were operating and plaintiff's vehicle?
12. Please describe in as much detail as possible what happened to the vehicle you were operating immediately after the collision with plaintiff, including where it traveled, what, if anything, it struck, and where it finally came to rest.
13. If the vehicle you were operating was damaged as a result of the accident, please describe in full detail the damage sustained to the vehicle, naming each part that was so damaged.
14. Were you approached by any police officer(s) on February 1, 2002, or at anytime subsequent thereto, relative to the accident? If so, please state, in detail:
  - a) where, giving street and city/town names, you were so approached;
  - b) the approximate time you were so approached;
  - c) the city, town, agency, department, etc., whom the police officer(s) represented;
  - d) why you were so approached;
  - e) the result of your being so approached; and
  - f) the names of the police officer(s).
15. If you incurred or were cited for any traffic and/or moving violations on February 1, 2002, or at any time subsequent thereto, relative to the accident, please state, as fully and completely as possible, as to each such citation:
  - a) the town and/or city where the citation was issued;
  - b) the nature of the citation;
  - c) the name of the court where any action was taken pursuant to the citation; and
  - d) the result of any court action taken pursuant to the citation, giving the date of resolution.
16. If you had any conversation with the plaintiff with reference to the accident, please set forth details of the conversation(s) as fully and completely as possible.
17. Please state any and all acts, deeds, or omissions that you allege were committed by the plaintiff which you contend contributed to the accident or to plaintiff's injuries.
18. Please describe in detail the condition of the weather, lighting and the roadway at the time and place of the collision.
19. Please describe in detail any and all traffic controls (e.g., traffic lights, stop signs, warning signs) located in the vicinity of the accident on February 1, 2002.
20. If any person(s) or vehicle(s) other than the parties presently named in plaintiff's Complaint contributed in any way to the happening of the accident, identify each such

person(s) and vehicle(s) and state in full and complete detail how you allege he, she or they contributed to causing the alleged accident.

21. As to each insurance policy available to you to satisfy in whole or in part any judgment that might be recovered against you in this matter, please state:
  - a) the name and address of each company issuing such an insurance policy;
  - b) the number of each such policy;
  - c) the effective period(s) of each such policy; and
  - d) the maximum liability limits.
22. If you have incurred or have been cited for any traffic and/or moving violations, or have had your motor vehicle operator's license suspended by the Massachusetts Registry of Motor Vehicles within five (5) years prior to or subsequent to the date of the accident, please state, as fully and completely as possible, as to each such citation:
  - a) the date the citation was issued;
  - b) the town and/or city where the citation was issued;
  - c) the nature of the citation;
  - d) the name of the court where any action was taken pursuant to the citation;
  - e) the result of any court or registry action taken pursuant to the citation, and the date of resolution;
  - f) the dates, beginning and ending, of suspension; and
  - g) the reason for suspension.
23. Have you been in any other motor vehicle accidents, either before or after the date of the collision alleged in the plaintiff's Complaint? If so, when, and what were the facts and resolutions of those cases?
24. Please state whether you or anyone acting in your behalf obtained any signed or unsigned statement(s) (specify which) from any alleged witness(es) to the events alleged in plaintiff's Complaint. If so, please state:
  - a) the name and present address of the witness(es);
  - b) the date said statement was prepared; and
  - c) the identity of the person(s) who has the current custody or control of such written statement.
25. Please identify each and every person, by giving their name and address, whom you intend to call as a witness at the trial of this matter.
26. Please state the name, residence, business address, occupation and specialty of each person you expect may be called by you or your attorney as an expert witness at the trial of this action, setting forth:

- a) the subject matter, in detail, on which each such person may be expected to testify;
- b) in detail, the substance of all facts about which each person may be expected to testify;
- c) in detail, the contents of all facts about which each person may be expected to testify; and
- d) in detail, a summary of the grounds for each such opinion and the substance of all facts on which such opinions are based.

27. Please state whether at any time prior to the accident, you consumed any alcoholic beverage and/or any controlled substance. If so, please state:

- a) when you consumed said alcoholic beverage and/or controlled substance (within 24 hours of the accident);
- b) the type of alcoholic beverage and/or controlled substance; and
- c) the quantity of alcoholic beverage and/or controlled substance consumed by you (within 24 hours of the accident).

The Plaintiff  
By Her Attorney,



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Barry E. O'Connor, Esq.  
293 Bridge Street, Suite 326  
Springfield, MA 01103  
(413)746-0060  
BBO#548570

Dated: January 14, 2005

CERTIFICATE OF SERVICE

I do hereby certify that on January 14, 2005, I served copies of the attached papers on to the Defendant, Lisa Barrett of 124 Wilkins Ave, Albany, NY 12205 in the above-entitled action via Alexander Poole & Co., Albany, NY.

Dated: January 14, 2005



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BARRY E. O'CONNOR, ESQ.

## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT DEPARTMENT  
SPRINGFIELD DIVISION  
CIVIL ACTION NO. 05 25

RAMONA ROSARIO	)	FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS TO BE ANSWERED UNDER OATH BY DEFENDANT LISA BARRETT
Plaintiff	)	
	)	
v.	)	
	)	
LISA BARRETT	)	Defendant
Defendant	)	

Now comes the plaintiff, Ramona Rosario, in the above-entitled civil action, and pursuant to Rule 34 of Massachusetts Rules of Civil Procedure, requests that Defendant, Lisa Barrett produce the following documents within [Forty-five (45) days if sent with Complaint/if mailed separately, thirty (30) days] to the office of plaintiff's attorney, Barry E. O'Connor, 293 Bridge Street, Springfield, Massachusetts, 01103.

**INSTRUCTIONS & DEFINITIONS**

The defendant is to produce to the plaintiff's attorney, Barry E. O'Connor, all documents set forth below that are in the defendant's possession, custody or control and that meet the descriptions, directly or indirectly, set forth in each such category.

"Document" shall mean the original, all nonidentical copies, and all drafts of any book, pamphlet, letter, or other form of correspondence, telegram, telex, cable, report, study, note, diary entry, telephone message, form, chart, drawing, agreement, contract, summary, financial record, or other verbal, numerical, or pictorial recording, whether printed, typed, handwritten, drawn, recorded on film or tape, or within any data processing system, or recorded by any other means. If any document sought by these requests for documents has been destroyed (and no copy exists), identify the date of destruction, the person who ordered destruction, and the purpose for destruction.

If the defendant claims any privilege or immunity from discovery with regard to any documents sought herein, then please provide the following information as to each document to which such claim is made: (a) its date; (b) the name and address of its maker; (c) the name and address of each person listed as an addressee; (d) the name and address of each person who has seen or reviewed each such document; (e) a brief description of its subject matter; (f) the nature of privilege or immunity claimed; (g) and a summary of all facts and circumstances upon which claim is based.

Whenever it is impractical to produce the original document requested, photocopies may be made of such original documents.

Photographs supplied pursuant to this request or prints thereof shall be paid for by the plaintiff upon presentation of a bill from each person preparing such photographs or prints.

This demand is to include all after-acquired documents of the type made reference to in the request. The defendant is therefore requested to update the production of documents by forwarding copies to the plaintiff or putting the plaintiff on notice as to any after-acquired material.

**Any use in this document of the term "defendant" refers to the defendant, Lisa Barrett.**

**Any use in this document of the terms "the accident" or "the collision" refers to the motor vehicle accident of February 1, 2002, involving the plaintiff, Ramona Rosario and the defendant, Lisa Barrett, which occurred in Springfield, Massachusetts, all as alleged in the plaintiff's Complaint.**

#### **DOCUMENT REQUESTS**

**REQUEST ONE:** All written reports regarding the accident prepared by the police, plaintiff, defendant, and/or any other person or entity with knowledge of the accident.

**REQUEST TWO:** All photographs, diagrams, or drawing that depict:

- a) the location of the accident;
- b) the automobiles involved in the accident;
- c) the plaintiff and/or plaintiff's injuries; and
- d) any injuries defendant may have alleged to have sustained as a result of the accident.

**REQUEST THREE:** All statements regarding the accident, whether signed, unsigned, handwritten, typewritten, or recorded by mechanical or electronic means, made by:

- a) the defendant;
- b) the plaintiff;
- c) any witness to the accident;

- d) any person on the scene immediately preceding the accident and/or immediately subsequent to the accident; and
- e) any person and/or entity with knowledge of the events of the accident.

**REQUEST FOUR:** Each and every photograph that the defendant intends to introduce as evidence at the trial of this matter.

**REQUEST FIVE:** Any and all documentation regarding any damages sustained to the vehicle operated by the defendant, including, but not limited to, repair bills, estimates and/or canceled checks.

**REQUEST SIX:** Any and all reports filed with or completed by the defendant concerning the accident with any governmental agency, whether the same be federal, state, or local.

**REQUEST SEVEN:** Any and all written communications and/or copies thereof sent by the defendant to the plaintiff relative to the accident referred to in plaintiff's Complaint.

**REQUEST EIGHT:** Any and all correspondence between defendant and defendant's insurance carrier since the date of this accident that in any way relates to the accident.

**REQUEST NINE:** A list of any and all witnesses to the alleged accident, giving names and addresses.

**REQUEST TEN:** Any and all accident or operator's reports that were completed in regard to the alleged accident.

**REQUEST ELEVEN:** Any and all police reports relative to the accident.

**REQUEST TWELVE:** An entire copy, including coverage selections page, of each and every insurance policy available to the defendant to satisfy, in whole or in part, any judgment that might be recovered against the defendant by the plaintiff.

**REQUEST THIRTEEN:** The names and last known addresses of any and all persons whom the defendant or defendant's attorney intends to call at the trial of this matter.

**REQUEST FOURTEEN:** Any and all documents, photographs, or demonstrative evidence, or a description thereof, that the defendant intends to introduce at the trial of this matter.

**REQUEST FIFTEEN:** Photocopies of both sides of any and all of defendant's licenses and/or permits to operate motor vehicles issued by any federal, state or local government (including governmental agencies) and private entities.

**REQUEST SIXTEEN:** Photocopies of the registration of any and all motor vehicles owned and/or operated by the defendant on the date of the accident referred to in plaintiff's Complaint.

**REQUEST SEVENTEEN:** Photocopies of any and all citations issued by any law enforcement agency to the defendant relative to the alleged accident.

**REQUEST EIGHTEEN:** Any and all reports, memoranda, statements, or documents in defendant's possession, custody or control, that in any way relates to the accident referred to in plaintiff's Complaint.

**REQUEST NINETEEN:** Photocopies of any and all documents produced by and/or received from any court or government agency relative to the suspension of the defendant's motor vehicle operator's license, to include any such suspension that occurred in the five (5) years prior to or subsequent to the accident alleged in the plaintiff's Complaint.

The Plaintiff  
By Her Attorney



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Barry E. O' Connor  
293 Bridge Street, suite 326  
(413) 746-0060  
BBO# 548570

DATED: January 14, 2005

CERTIFICATE OF SERVICE

I do hereby certify that on January 14, 2005, I served copies of the attached papers on to the Defendant, Lisa Barrett of 124 Wilkins Ave, Albany, NY 12205 in the above-entitled action via Alexander Poole & Co., Albany, NY.

Dated: January 14, 2005

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BARRY E. O'CONNOR, ESQ.